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10 INTERSTATE DISTRIBUTOR CO.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 MARTIN MARINE, on behalf of himself and all
14 others similarly situated,

15 Plaintiffs,

16 v.

17 INTERSTATE DISTRIBUTOR CO., a
18 Washington corporation doing business in
19 California, and DOES 1 through 100, inclusive,

20 Defendants.

No. 08-CV-00152-CW

**STIPULATION AND [PROPOSED]
ORDER REMANDING CASE TO
STATE COURT**

21 **WHEREAS**, on November 28, 2007, Plaintiff Martin Marine filed the above-captioned
22 case (the "Action"), bearing state court case number RG07358277, in the Superior Court of
23 California, County of Alameda;

24 **WHEREAS**, on January 9, 2008, Defendant Interstate Distributor Co. removed the
25 Action to the United States District Court, Northern District of California on the basis of
26 diversity jurisdiction;

27 **WHEREAS**, on February 8, Plaintiff filed a motion to remand this case to state court,
28 representing that his total damages under his first three causes of action do not exceed \$75,000;

WHEREAS, while the parties disagree on the exact amount of potential damages awardable under the first three causes of action, the parties have nevertheless agreed to remand this Action to the Superior Court of California, County of Alameda;

THEREFORE, it is hereby stipulated and agreed by and between the parties, through their counsel of record, that this Action is remanded to the Superior Court of California, County of Alameda. Plaintiff and Defendant therefore respectfully request that this court remand this case to state court and enter the attached [Proposed] Order.

DATED: February 20, 2008

PERKINS COIE LLP

By: _____ /s/ _____
David R. Burtt

Attorneys for Defendant
INTERSTATE DISTRIBUTOR CO.

DATED: February 20, 2008

KEEGAN & BAKER LLP

By: Patrick N. Keegan /s/

Attorneys for Plaintiff
MARTIN MARINE

[PROPOSED] ORDER

Pursuant to the stipulation of the parties, this court hereby orders that this case immediately be remanded to state court.

Dated:

DISTRICT COURT JUDGE CLAUDIA WILKEN

**CERTIFICATION BY DAVID R. BURTT PURSUANT TO GENERAL RULE NO. 45,
SECTION X. RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES**

1. I am an attorney licensed to practice law in the state of California, and am a partner of the law firm of Perkins Coie LLP, counsel for defendant Interstate Distributor Co. in this matter. The statements herein are made on my personal knowledge, and if called as a witness I could and would testify thereto.

2. The above e-filed document contains multiple signatures. I declare that concurrence has been obtained from the other signatory to file this jointly prepared document with the Court. Pursuant to General Rule No. 45, I shall maintain records to support this concurrence for subsequent production for the court if so ordered, or for inspection upon request by a party until one year after final resolution of the action (including appeal, if any).

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct on this 20th day of February 2008.

/s/
David R. Burtt

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